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CENTRAL COAST PATENT AGENCY, INC
3 HANGAR WAY SUITE D
WATSONVILLE, CA 95076

EXAMINER	
PHUNKULH, BOB A	

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAN KIKINIS

Appeal 2010-000076
Application 09/024,923
Technology Center 2400

Before ROBERT E. NAPPI, CARL W. WHITEHEAD, JR., and BRADLEY W. BAUMEISTER, *Administrative Patent Judges*.

BAUMEISTER, *Administrative Patent Judge*.

DECISION ON APPEAL

SUMMARY

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 59-64. These claims stand rejected under 35 U.S.C. § 103(a) as obvious over Chinni (US 6,205,135 B1; issued Mar. 20, 2001).

We reverse.

STATEMENT OF THE CASE

Appellant describes the present invention as "[a] computerized telephony bridge unit [that] has a Data Network Telephony (DNT) Port and a Connection Oriented/Switched Telephony (COST) trunk port, each associated with circuitry for receiving a [sic: and] placing calls in the data format required by connected networks" (Abstract). Independent claim 59 is illustrative:

> 59. A telephony bridge unit, comprising:
>
> a first interface for connecting to a connection-oriented switched telephony (COST) network;
>
> a second interface for connecting to a data network for data network telephony (DNT) calls;
>
> a protocol converter for converting calls between DNT and COST network protocols;
>
> a processor for managing operations of the bridge unit; and
>
> a data repository storing code and data;
>
> wherein the bridge unit, receiving a call from a caller on the COST network, accesses a look-up table in the data repository relating COST telephone numbers to data network

> addresses representing final destinations for the COST calls, retrieves a data network address associated with the COST telephone number, places a data network call on the DNT network to a destination using the data network address, connects the incoming COST and outgoing DNT calls, and translates protocol in both directions between the COST and the DNT networks while the calls are connected, and in the event of receiving a call from a caller on the data network, accesses information in the received call indicating a COST telephone number final destination, places a call on the COST network to the COST number, connects the incoming DNT and outgoing COST calls, and translates protocol in both directions between the DNT and the COST networks while the calls are connected.

CONTENTIONS

Appellant contends, *inter alia*, that Chinni does not teach or suggest the language of independent claim 59, "wherein the bridge unit, receiving a call from a caller on the COST network, accesses a look-up table in the data repository relating COST telephone number to data network addresses" (App. Br. 9). Appellant continues, "in every embodiment of Chinni, the caller, whether COST or IP, must first dial the [Alternate Access Platform server] AAP 100 and then enter the destination number" (App. Br. 10 (citing Chinni, col. 7, ll. 55-65)).

The Examiner acknowledges that in Chinni, a caller using a plain-old-telephone-service (POTS) line to call a personal computer must dial the destination internet provider (IP) address by replacing the dots "." within the IP address with pound signs "#" (Ans. 7 (citing Chinni, col. 7, ll. 15-35)).

That is, the Examiner acknowledges that in Chinni, the caller enters the data network addresses representing final destinations for the COST calls; Chinni does not disclose a data repository having a look-up table that relates the COST telephone numbers to data network addresses (Ans. 7-8).

The Examiner reasons, though:

> For POTS to PC phone call [sic], there must be mapping of dialed phone to IP address mapping [sic] at some point in the connection or dialing the actual IP address of the IP phone by the caller, which *CHINNI* teaches. Callers are more familiar or used to with [sic] ten digit telephone numbers than IP addresses.

(Ans. 11). Based upon this rationale, the Examiner concludes:

> [I]t would have been obvious to one having ordinary skill in the art at the time of [sic: the] invention was made to includes [sic: include] the destination IP address of the telephone (PC phone) in the AAP's mapping table and mapping the called number to [sic: the] corresponding IP address of the called destination in order to avoid the POTS caller having to remember the IP address of the destinations (IP phones) and traditional telephone numbers are much easier [sic: to] remember.

(*Id.*).

ANALYSIS

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *See In re Royka*, 490 F.2d 981, 985 (CCPA 1974). It is incumbent upon the Examiner

to establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837 F.2d 1071, 1073 (Fed. Cir. 1988).

In the present case, the Examiner has not provided any evidence that at the time of the invention one of ordinary skill had conceived of mapping traditional phone numbers to corresponding IP addresses. Moreover, even if we were to assume, solely for the sake of argument, that such a mapping generally would have been obvious at the time of the invention, such an assumption still would not address the claim's additional requirement that the mapping be performed specifically in a look-up table that is accessible by a bridge unit. For example, the Examiner has not provided a rationale for why a person with knowledge of Chinni would have contemplated a look-up table that is accessible by Chinni's AAP server instead of a look-up table that is contained within the calling phone. *See* Chinni, col. 7, ll. 26-34 (explaining that the caller must enter the called party's IP address *into the caller's phone*).

For the foregoing reasons, Appellant has persuaded us of error in the Examiner's obviousness rejection of independent claim 59. Independent claim 62 recites an analogous method, including language concerning a bridge unit retrieving a data network address associated with a COST telephone number.[1] Accordingly, we will not sustain the Examiner's

[1] The grammatical form of independent claim 62 is improper. The claim reads, in relevant part, as follows:

rejection of either independent claims 59 or 62, or the rejection of claims 60, 61, 63, and 64, which depend from claims 59 and 62.

DECISION

The Examiner's decision rejecting claims 59-64 is reversed.

REVERSED

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62. A method . . . comprising the steps of:

(a) upon receiving a call . . . , retrieves [sic: retrieving] a data network address . . ., places [sic: placing] a call . . ., and translates protocol [sic: translating protocol**s**] . . .; and

(b) upon receiving a call . . ., uses [sic: using] a COST number . . ., connects [sic: connecting the [calls], and translates protocol [sic: translating protocol**s**] in both directions . . ."

The Examiner and Appellant should address these informalities, as they may raise questions regarding the intended metes and bounds of the claim.